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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/181,151 10/28/98 HAMILTON

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EXAMINER

JAMES M STOVER
INTELLECTUAL PROPERTY SECTION
LAW DEPARTMENT NCR CORPORATION
101 WEST SCHANTZ ECD 2
DAYTON OH 45479-0001

RAMAKRISHNAIAH, M

ART UNIT

PAPER NUMBER

2743

DATE MAILED:

04/07/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/181,151

Applicant(s)

Alistar R. Hamilton.

Examiner

Melur Ramakrishnaiah

Group Art Unit

2743

☒ Responsive to communication(s) filed on Oct 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3-4, are rejected under 35 U.S.C 102(e) as being anticipated by Kafuku (JP 410210437A, Pub. Date: 8-7-1998).

Regarding claim 1, 3, Kafuku discloses communication terminal equipment and method comprising: holding an audio only conference, displaying static visual images during audio only conference, and holding audio conference accompanied by a live video conference (figs. 1, 4, see abstract), a computer readable storage medium (8,9) (fig. 2), software means, physically configured in the storage medium, for: receiving image from a remote location and displaying static image, based on the data, holding an initial audio conference with a remote communication device during a display of static image, holding a sequel to the audio conference with the remote device, and holding a video conference with the remote device during the sequel (figs. 1, 4, see abstract).

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Regarding claim 3, Kafuku teaches the following: initial audio conference is held using a POTS line, and sequel is held using a high bandwidth channel (see abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuncider et al. (US PAT: 5,929,897, filed 7-12-1995, hereinafter Schuncider).

Regarding claim 1, Schuncider discloses method of establishing an audio-video conference comprising: setting up a audio-video conference on a high-bandwidth communication channel (fig. 2, col. 5 lines 41-49), after setting up holding the audio video conference on the high bandwidth channel, terminating the POTS call (col. 8 lines 32-47).

Schuncider teaches setting up a POTS call and sending a message to setup video conference call during POTS call (col. 8 lines 32-47), and he does not explicitly teach audio exchange during the POTS call. However, the examiner takes official notice that "audio conferencing" is well known in the art. It therefore would have been obvious to one of ordinary

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skill in the art at the time invention was made to modify Schuncider's system for provide for audio conference as this would facilitate quicker means to set up the video conference call.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231


CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).